

Entered - 02/13/02 - sb
CL02L0116 - DIANNE C. MITCHELL

02- R-0438

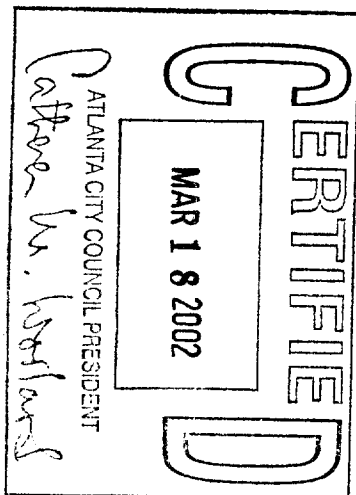
CLAIM OF: **HASSAN I. SWANN**
4522 Garden City Drive
Lithonia, Georgia 30038

For damages alleged to have been sustained as a result of vehicular damage due to a pothole on January 23, 2002 at North Druid Hills Road and Buford Highway.

THIS ADVERSED REPORT IS APPROVED

BY:

Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY



CERTIFIED
MAR 18 2002

Rhonda Daughlin Johnson
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL MAR 18 2002

ADVERSE REPORT

COMM: *Public Safety*

DATE: *3-12-02*

CHAIR: *[Signature]*

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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[Signature]

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**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

March 28, 2002

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Hassan I. Swann
4522 Garden City Drive
Lithonia, GA 30038

02-R-0438

Dear Mr. Swann:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 18, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0116

Date: February 21, 2002

Claimant /Victim HASSAN I. SWANN

BY: (Atty)(Ins. Co.) _____

Address: 4522 Garden City Drive, Lithonia, Georgia 30038

Subrogation: _____ Claim for Property damage \$ 178.97 Bodily Injury \$ _____

Date of Notice: 02/06/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/23/02 Place: North Druid Hills Road and Buford Highway

Department _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges he damaged his vehicle when he drove over a pothole in the roadway. The investigation determined that the location of the pothole is outside the Atlanta City limits and was on a roadway that is part of the Georgia State highway system. The claim has been forwarded to the Georgia Department of Transportation for handling and the claimant has been advised of this action.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 02-25-02

Committee Action: _____ Council Action _____

RCS# 3628
3/18/02
3:49 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith
Y Starnes
NV Young
Y Winslow

Y Archibong
Y Fauver
Y Shook
Y Muller

Y Moore
B Martin
Y Maddox
N Boazman

NV Mitchell
Y Norwood
Y Willis
NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0167
02-O-0458

CORRECTED COPY

CONSENT I

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 02-O-0361
2. 02-O-0456
3. 02-O-0465
4. 02-O-0466
5. 02-O-0468
6. 02-O-0469
7. 02-O-0335
8. 02-O-0336
9. 02-O-0462
10. 02-O-0342
11. 02-O-0378
12. 02-O-0251
13. 02-O-0324
14. 02-O-0346
15. 02-O-0254
16. 02-O-0352
17. 02-R-0165
18. 02-R-0382
19. 02-R-0407
20. 02-R-0483
21. 02-R-0484
22. 02-R-0194
23. 02-R-0482
24. 02-R-0252
25. 02-R-0388
26. 02-R-0391
27. 02-R-0409

**ITEMS ADOPTED
ON CONSENT
AGENDA**

28. 02-R-0446
29. 02-R-0448
30. 02-R-0449
31. 02-R-0472
32. 02-R-0395
33. 02-R-0406
34. 02-R-0412
35. 02-R-0413
36. 02-R-0414
37. 02-R-0415
38. 02-R-0416
39. 02-R-0417
40. 02-R-0418
41. 02-R-0419
42. 02-R-0420
43. 02-R-0421
44. 02-R-0422
45. 02-R-0423
46. 02-R-0447

**ITEMS ADVERSE
ON CONSENT
AGENDA**

47. 02-R-0410
48. 02-R-0411
49. 02-R-0424
50. 02-R-0425
51. 02-R-0426
52. 02-R-0427
53. 02-R-0428
54. 02-R-0429
55. 02-R-0430
56. 02-R-0431
57. 02-R-0432
58. 02-R-0433
59. 02-R-0434
60. 02-R-0435
61. 02-R-0436
62. 02-R-0437
63. 02-R-0438
64. 02-R-0439
65. 02-R-0440
66. 02-R-0441
67. 02-R-0442
68. 02-R-0443
69. 02-R-0444
70. 02-R-0445